

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

TRUSTEES OF THE AUTOMOBILE)	
MECHANICS INDUSTRY WELFARE)	
AND PENSION FUND OF THE)	
AUTOMOBILE AND AEROSPACE)	
WORKERS AFL-CIO, LOCAL 701,)	
)	
Plaintiffs,)	2009-CV-7317
v.)	Hon. Elaine E. Bucklo
)	Magistrate Geraldine Soat Brown
A & J MOTORS INC., RICHARD)	
BAYNER, JILL BAYNER AND)	
ALBERT BAYNER, INDIVIDUALLY)	
)	
Defendants.)	

**PLAINTIFFS' MOTION FOR
JUDGMENT IN A SUM CERTAIN**

Plaintiffs, the TRUSTEES OF THE AUTOMOBILE MECHANICS INDUSTRY WELFARE AND PENSION FUNDS OF THE AUTOMOBILE AND AEROSPACE WORKERS AFL-CIO, LOCAL 701, by and through their attorneys, L. STEVEN PLATT and ARNOLD and KADJAN, move as follows:

1. By prior order of this court, defendants JILL BAYNER and ALBERT BAYNER were found to be in default on May 13, 2010.
2. When the BAYNERS were served as shown in the court record shows, JILL BAYNER was also served as the registered agent of the corporation on April 13, 2010. *See* Record Item No. 16.
3. The company's answer or responsive pleading was due on May 4, 2010.

4. The company is also in default as they never filed a responsive pleading in this case nor did they retain anyone to file an appearance on their behalf.

5. Therefore, plaintiffs move for an order of default against the company defendant, A & J Motors, Inc., instanter.

6. The plaintiffs move for a judgment in a sum certain against defendants JILL BAYNER, ALBERT BAYNER and A & J MOTORS in the amount of \$315,393.52 as pled in the complaint.

7. This amount is based on the fact that the defendants created false eligibility for health insurance benefits, reporting that they were a viable business and were working when in fact they were not, just so they could buy health insurance from the fringe benefit funds that the owners were not eligible for and were not entitled to.

8. As pled in the complaint over the course of time they ran up in excess of \$315,393.52 in paid medical claims that they were not entitled to thus defrauding the plaintiff funds.

9. Per the affidavit attached, they owe the plaintiff funds that amount plus a 20% penalty and attorney's fees pursuant to ERISA, 29 U.S.C. § 1132(g).

WHEREFORE, plaintiffs ask for judgment against the defendants A & J MOTORS INC., ALBERT BAYNER and JILL BAYNER in the amount of #315,393.52 plus 20% in penalties per ERISA and seek leave to file a petition for attorney's fees per the draft order submitted to this court.

**Respectfully Submitted
TRUSTEES OF THE
AUTOMOBILE MECHANICS et
al.**

By: /s/ L. Steven Platt

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